



2911 and 2915 Holly Street SUB #2019-0003

City Council

September 14, 2019

Subdivision Background

Request for a subdivision with a variation to re-subdivide four existing lots into three lots

Planning Commission voted to approve on a vote of 5-1

Resident opposition included comments on the size, height and design of the homes, driveway access, and stormwater runoff



Appeal Review

City Council de novo public hearing to affirm, reverse or modify the decision of the Planning Commission or return the matter to the Commission for further consideration.

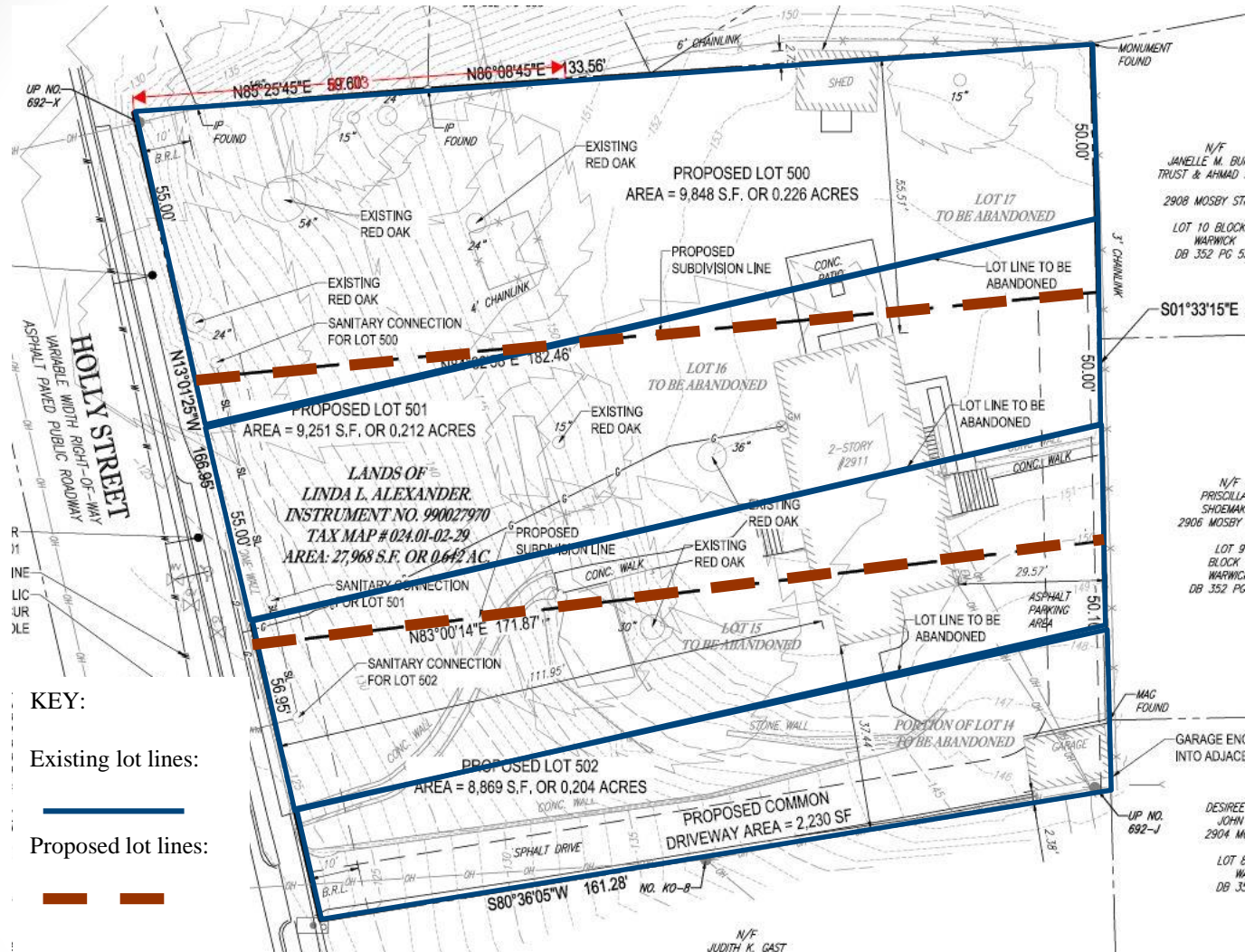
Analysis of the proposed re-subdivision to be based on subdivision standards and may not include the anticipated improvements on the proposed lots.

Site Context

- Immediately surrounded by single-family dwellings
- Zoned R-8 / Single Family Zone



Re-subdivision request



Request to re-subdivide **four** existing lots to **three** lots with a variation

Subdivision Review

Section 11-1700:

- Section 11-1710(D)

Proposed lots must meet zone requirements.

- Section 11-1710(B):

“shall be of substantially the same character as to suitability ... with respect to similarly situated lots within the adjoining portions of the original subdivision.”

- Section 11-1713:

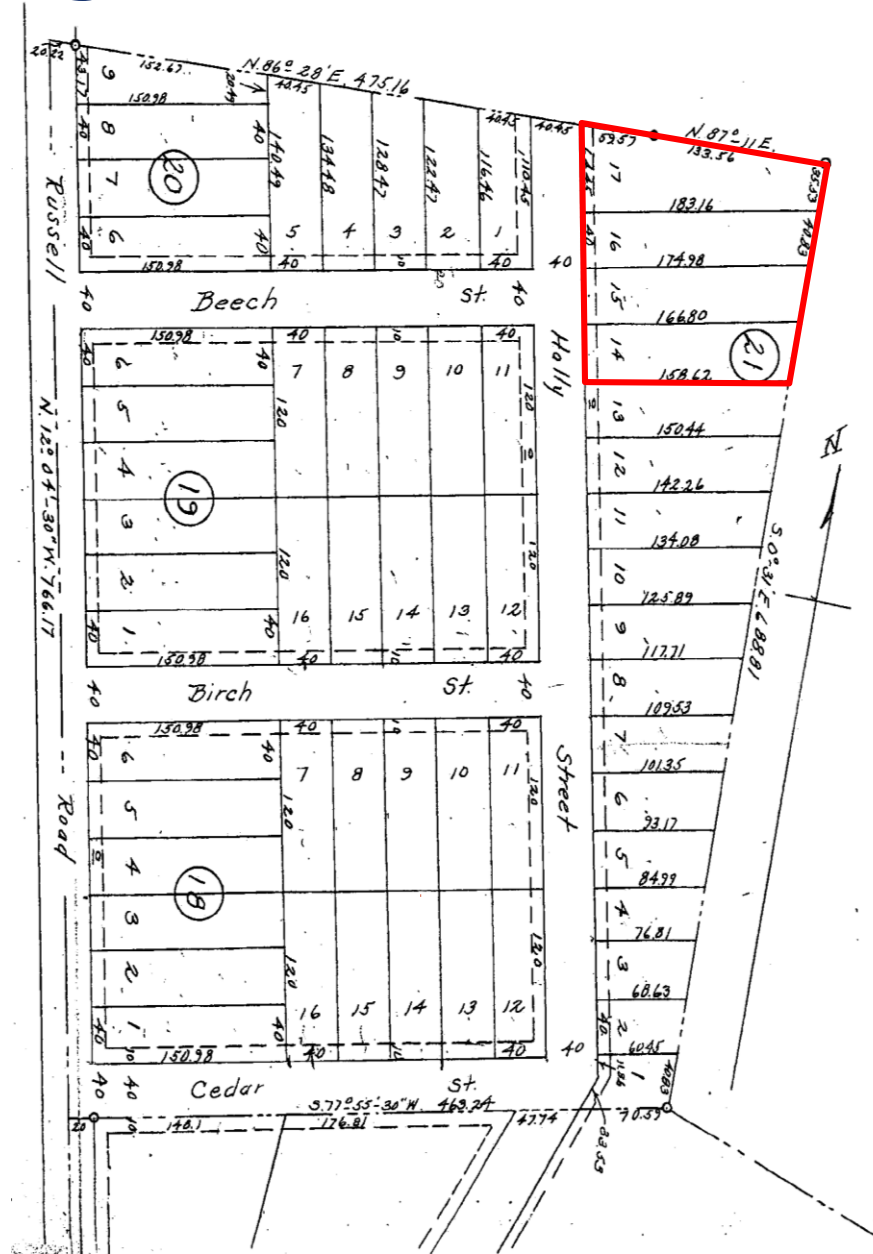
Criteria for review of the variations to the single-family lot requirements of the zone. Must meet Section 11-1713(A)(i), (ii), and one or more of (iii).

Section 11-1710(D)

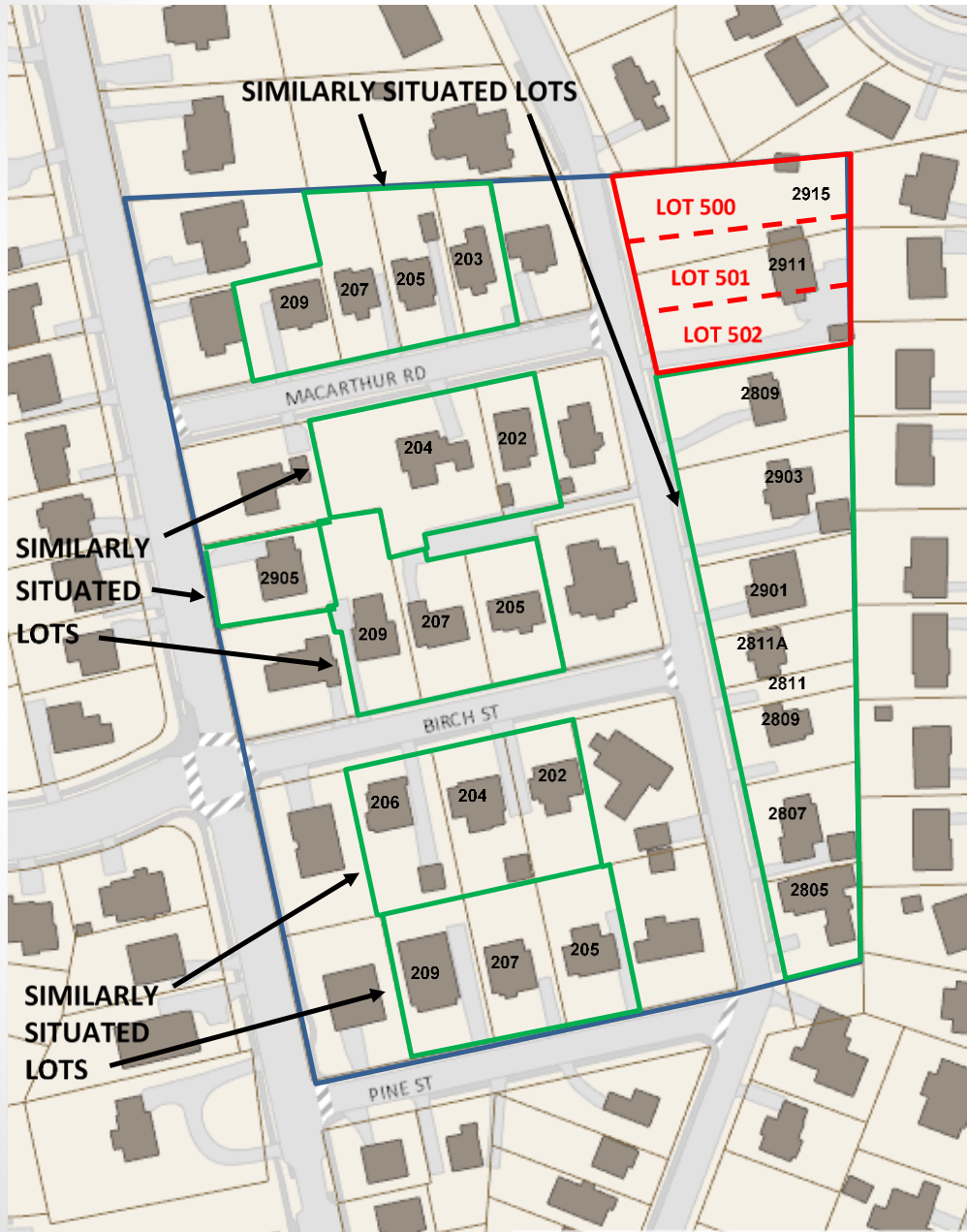
	Minimum Required	Proposed		
		Lot 500	Lot 501	Lot 502
Lot Size (Sq. ft.)	8,000	9,848	9,251	8,869
Lot Frontage (ft.)	40'	55'	55'	56.95'
Lot Width (ft.)	65'	54.5'	54.5'	56'

Lots meet frontage and lot area of the R-8 zone

As the Lot widths range between nine and 10.5 feet less than R-8 zone requirement, a variation of the lot requirements is necessary.



Section 11-1710(B)



Area of comparison = original subdivision

Similarly situated lots = interior lots

Analysis found that lots were substantially the same character when compared to similarly situated lots within the original subdivision



Lot Width (at building line)	
<i>Minimum (ft.):</i>	<i>65</i>
204 Macarthur Road	136
2903 Holly Street	80.5
2807 Holly Street	80
2805 Holly Street	80
2909 Holly Street	74
209 Macarthur Road	72
206 Birch Street	71
2905 Russell Road	70
209 Pine Street	68.25
2901 Holly Street	60
2809 Holly Street	60
205 Birch Street	60
204 Birch Street	60
207 Pine Street	60
205 Pine Street	60
207 Birch Street	58.75
Lot 502	56
202 Birch Street	55
Lot 500	54.5
Lot 501	54.5
205 Macarthur Road	53
209 Birch Street	51.75
207 Macarthur Road	50
202 Macarthur Road	48
203 Macarthur Road	45
2811 A Holly Street	40

Lot Area	
<i>Minimum (sq. ft.):</i>	<i>8000</i>
204 Macarthur Road	14060
2909 Holly Street	11780
2903 Holly Street	11120
Lot 500	9848
Lot 501	9251
Lot 502	8869
206 Birch Street	8518
209 Pine Street	8240
209 Birch Street	8157
2901 Holly Street	7440
204 Birch Street	7200
207 Pine Street	7200
205 Pine Street	7200
207 Birch Street	6900
2905 Russell Road	6900
2807 Holly Street	6800
205 Macarthur Road	6708
202 Birch Street	6600
205 Birch Street	6600
2809 Holly Street	6000
2805 Holly Street	5828
207 Macarthur Road	5808
209 Macarthur Road	5746
203 Macarthur Road	5456
202 Macarthur Road	5184
2811 A Holly Street	4560

Lot Frontage	
<i>Minimum (ft.):</i>	<i>40</i>
204 Macarthur Road	135
2805 Holly Street	80
2807 Holly Street	80
2903 Holly Street	80
2909 Holly Street	78
209 Macarthur Road	74
206 Birch Street	71
2905 Russell Road	70
209 Pine Street	70
2809 Holly Street	60
205 Birch Street	60
207 Birch Street	60
204 Birch Street	60
207 Pine Street	60
205 Pine Street	60
2901 Holly Street	60
Lot 502	56.95
202 Birch Street	55
Lot 501	55
Lot 500	55
205 Macarthur Road	53
209 Birch Street	52
202 Macarthur Road	50
207 Macarthur Road	50
203 Macarthur Road	45
2811 A Holly Street	40

Comparison to Similarly Situated Lots

- Lot Area
 - Lot 500 – 9,848 square feet
 - Lot 501 – 9,251 square feet
 - Lot 502 – 8,869 square feet

} Greater than 86% of similarly situated lots
- Lot Width
 - Lot 500 – 54.5 feet
 - Lot 501 – 54.5 feet
 - Lot 502 – 56 feet

} Greater than 30% of similarly situated lots
- Lot Frontage
 - Lot 500 – 55 feet
 - Lot 501 – 55 feet
 - Lot 502 – 56.96 feet

} Greater than 26% - 30% of similarly situated lots

Section 11-1713 Variation Analysis

Applicant's three points of justification

1. Section 11-1713(A)(i)

a strict adherence to the Zoning Ordinance provisions would result in substantial injustice.

Section 11-1713 (B)

"substantial injustice" means that the strict application of this ordinance would create an unreasonable burden on the development, use and enjoyment of the property which outweighs the land use or land development purposes served by the specific zoning provision or provisions of this ordinance at issue.

Summary of applicant's justification:

By not granting this variation, it would result in a substantial injustice and hardship as the proposed Lots reflect the use and general character of the neighborhood lots in terms of size and shape.

Variation Analysis

2. Section 11-1713(A)(ii)

“the use and character of the resulting lots or parcels in such a subdivision would not be inconsistent with the use provisions of the zone in which the property is situated and with the existing development in the immediate area.”

Summary of applicant's justification:

The area surrounding the proposed lots is developed with single-family detached homes with lots similar in size and character.

Variation Analysis

3. Section 11-1713(A)(iii)(1)

"and one ... of the following special circumstances exists:

(1) Extremely rugged topography"

Summary of applicant's justification:

The proposed lots have extremely rugged topography: the apex of the proposed lots is nearly 30 feet, which is a substantial grade change compared to Holly Street elevation.

Staff recommends that City Council affirm the decision of the Planning Commission from its meeting of June 25, 2019 to approve the re-subdivision with variation request.

Additional Information

R-8 Zone Requirements

3-305 - Lot requirements.

(A)
Lot size. Each principal use shall be located on a lot with a minimum land area of 8,000 square feet except in the case of a corner lot, in which case the minimum land area shall be 9,000 square feet.

(B)
Lot width. The minimum lot width at the building line shall be 65 feet except in the case of a corner lot, in which case the minimum lot width shall be 80 feet.

(C)
Lot frontage. The minimum lot frontage at the front lot line shall be 40 feet.

3-306 - Bulk and open space regulations.

(A)
Yard requirements.

(1)
Front yard. Each use shall provide a front yard of at least 30 feet.

(2)
Side yards. Each residential use shall provide two side yards, each based on a setback ratio of 1:2 and a minimum size of eight feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3)
Rear yard. Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of eight feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(B)
FAR. The maximum permitted floor area ratio is 0.35.

(C)
Height. The maximum permitted height of a structure is 35 feet except for a church or school use in which case the maximum permitted height is 40 feet.